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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1674 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? - Yes.

2. To be referred to the Reporter or not? - No.

JJJ

J

3. Whether Their Lordships wish to see the fair copy of the judgement? -No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.

5. Whether it is to be circulated to the Civil Judge? - No.

RAHIS NOORBHAI

Versus

STATE OF GUJARAT

Appearance:

MS KRISHNA U MISHRA for Petitioner

Mr.L.R. Pujari, Addl.P.P., with

Mr.M.R. Anand, PUBLIC PROSECUTOR, for Respondent No. 1

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 18/12/96

ORAL JUDGEMENT

Rule. By consent, to be heard forthwith.

The petitioner is incarcerated at Ahmedabad Central Jail, pursuant to his conviction under the provisions of the T.A.D.A. Act, recorded on 7.12.1994. His sentence of 10 years was reduced to five years by the Supreme Court. Even after his conviction and sentence, he was granted furlough between 2.4.1996 and 17.4.1996.

Petitioner's case is that his wife has to undergo second caesarian, which is scheduled to be held at Jivandeep Nursing Home, Bordi Bazar, Viramgam, on 25th December, 1996. It appears that he applied some time in November, 1996 to the Jail Authorities for his release on parole, but until today, that application has not been considered.

Admittedly, the petitioner has enjoyed furlough from 2nd of April, 1996 to 17th of April, 1996. Since the petitiokner now claims parole, it is for the Jail Authorities to consider the same. Accordingly, the I.G. Prisons is directed to decide his application for parole on or before 23rd December, 1996. Petition is accordingly disposed of. Rule is made absolute to the extent indicated.

(apj)